

Remarks/Arguments:

Claims 1-8, 10-11, 13-16, 19, 22-23 and 26-28 are pending and stand rejected.

By this Amendment, claims 1, 13, 19 and 28 are amended and new claims 29-31 are added.

No new matter is presented by the claim amendments and new claims. Support for the claim amendments can be found throughout the original specification. For example, support for the claim amendments can be found in the original specification relating to FIG. 20 and the store display at page 25, line 12 to page 26, line 2 and FIG. 1P.

Rejection of Claims 1, 13 and 19 under 35 U.S.C. §112, first paragraph

In the Office Action, at item 3, claims 1, 13 and 19 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

This ground of rejection is respectfully traversed.

In the Office Action, the Examiner requests the citation in the specification where "the store display provides vehicle related information to a data processing resource."

The original specification, at page 119 last paragraph, discloses "a store display can include a COM device 100 ..." The original specification further discloses, at page 120, that a user by way of a COM device 100, can initiate an e-commerce or e-business transaction include searching for a part or information, identifying a part, researching parts, ordering parts, buying parts, or arranging for shipping or delivery of parts or information. Further, the in-vehicle device 200 data can data communicate to the COM device 100 to aid in the digital content selection for the customer. Moreover, original claim 1 discloses that the in-vehicle device wirelessly data communicates, by way of said communication interface device, with the plurality of global network based data processing resources. In addition, original claim 13 discloses that a global network based data processing system receives informational, operational, telemetry, or metric data from a vehicle, and allows a user to access and compile result data from databases to transact electronic commerce related to vehicle replacement parts.

Thus, one of ordinary skill understands that: the store display includes a COM device 100, and that the vehicle (e.g., in-vehicle device) provides, for example, operational, telemetry or metric data (e.g., vehicle related information) to a data resource via the COM device 100 of the store display.

Applicant submits that claims 1, 13 and 19 are, thus, fully supported by the original disclosure.

Rejection of Claims 1-8, 10-11, 13-16, 19, 22-23 and 26-28 under 35 U.S.C. §102(e)

In the Office Action, at item 4, claims 1-8, 10-11, 13-16, 19, 22-23 and 26-28 are rejected under 35 U.S.C. §102(e) as being anticipated by Witkowski (U.S. Patent No. 7,257,426).

Reconsideration is respectfully requested.

Claim 1

Claim 1 is directed to a network system for effectuating data communication between a vehicle and a data processing resource, and recites:

...

a store display adapted to physically hold a plurality of products for sale to and physically accessible by a customer, said store display equipped with a communication interface device having: ...

a communication interface to communicate data between said second wireless network connectivity interface and said data processing resource, the communication interface communicating the vehicle related information from said in-vehicle monitoring unit via the in-vehicle device to said data processing resource for processing by the data processing resource, wherein the data processing resource communicates selection information to the store display for selecting at least one of the products for sale physically held by the store display responsive to the vehicle related information,

...

(emphasis added). That is, the stored display physically holds a plurality of products for sale which are physically accessible by a customer and the processing resource communicates selection information to the store display for selecting at least one of those products responsive to the vehicle related information.

Witkowski Reference

Witkowski discloses a drive-through board 46 with two wireless transceivers 48 and 10a communicating with wireless RF transceiver 10b in vehicle 14. (See Witkowski at column 9, line 66 to column 10, line 8.) Witkowski further discloses that such an implementation could enable drive-through banking transactions, drive-through prescription ordering or a wide variety of other retail transactions made from within a vehicle. (See Witkowski at column 10, lines 16-21.) Witkowski is silent about the drive-through board 46 including capabilities to physically hold products that are for sale. Thus, Witkowski does not disclose or suggest "a store display adapted to physically hold a plurality of products for sale to and physically accessible by

a customer," as set forth in claim 1. Moreover, Witkowski does not disclose or suggest that the communication interface of the store display data communicates "the vehicle related information from said in-vehicle monitoring unit via the in-vehicle device to the data processing resource" and, furthermore, is silent regarding the data processing resource communicating "selection information ... for selecting at least one of the products for sale ... responsive to the vehicle related information," as set forth in claim 1. This is because Witkowski is not concerned with the selection/ordering of vehicle parts. Thus, in Witkowski, vehicle related information such as operational, telemetry, or metric data is not needed in the selection process. Instead, Witkowski concerns the automatic download on menu information for selection of a menu item from inside the vehicle (i.e., for drive-through services) such as prescription ordering.

Accordingly, it is submitted that claim 1 is allowable over Witkowski for the reasons set forth above.

Claims 13 and 19

Claims 13 and 19, which include similar but not identical features to those of claim 1, are submitted to be allowable over Witkowski for at least similar reasons to those set forth regarding claim 1.

Claims 2-8, 10-11, 14-16, 22-23 and 26-28

Claims 2-8, 10-11, 14-16, 22-23 and 26-28, which include all of the limitations of claim 1, 13 or 19, are submitted to be allowable over Witkowski for at least the same reasons as set forth regarding their respective independent claim.

New Claims 29-31

New claims 29-31, which include all of the features of claim 1, are submitted to be allowable over Witkowski for at least the same reasons as set forth regarding claim 1.

New claim 29 includes allowable features beyond those of claim 1, namely: "the store display includes a display rack for physically holding the products for sale."

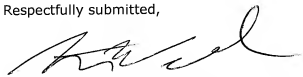
New claim 30 includes allowable features beyond those of claim 1, namely: "the vehicle related information includes status information and/or maintenance parts information of the vehicle used for physical selection of the products for sale at the store."

New claim 31 includes allowable features beyond those of claim 1 namely: "the in-vehicle device communicates at least vehicle operations information to the store display to aid the customer in the physical selection of one of the products held by the store display."

Conclusion

In view of the claim amendments, new claims, and remarks, Applicant submits that the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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